

Serial No. 09/917,859

Attorney Docket: 313KA/50252

REMARKS

In response to the Official Action dated August 29, 2002, Applicants amend the application and requests reconsideration. In the Amendment, Claim 7 has been amended. No new matter has been added. Claims 1-7 are now pending and under examination.

Figures 6-8 have been amended by adding the label "PRIOR ART."

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the claimed invention. Specifically, it was stated that the combination of a coupling member and a spacer member is not shown in the drawings. Applicants respectfully traverse this objection, because at least Figure 5 shows that a coupling member (15a) is combined with a spacer member (33).

Claims 7-9 were objected to under 37 CFR 1.75(c) as being in improper form. Claim 7 has been amended to overcome the objection.

Claim 6 was rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification as originally filed. According to the Official Action, claim 6 recites a combination of a coupling member and a spacer member, for which there is no disclosure. As stated above, Applicants respectfully submit that Figure 5 shows a combination of a coupling member (15a) and a spacer member (33). Applicants respectfully submit that the coupling member (15a) and spacer member (33) are very different and serve very different functions. Therefore, they can be used in the same embodiment, as shown in Figure 5.

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Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Hoffman* (U.S. Patent 5,674,011). For the following reasons, it is respectfully submitted that claims 1-5 are patentable over *Hoffman*.

According to the Official Action, the clearance angle range between the first and second spline sections, as recited in claim 1, is merely an optimization based on routine experimentation. The Official Action further stated that optimization based on routine experimentation is only patentable when the range is considered critical or the experimentation produces unexpected results.

Applicants respectfully submit that the claimed clearance range is critical, because the claimed clearance range is invented based on the following critical problem. Specifically, if the clearance is too small, the assembly of the drive unit is made more difficult, which affects automobile productivity, resulting in long assembly time, reduced number of automobiles produced per hour, high costs, and reduced yields. High costs result in high prices for automobiles, which reduce automobile sales. On the other hand, large clearances result in noises and thus reduced driver comfort. If the clearance is within the claimed range, however, the critical problem can be solved.

In addition, there is no disclosure in the cited prior art that the noise generated by the drive unit can be reduced by controlling the clearance between the first and second spline sections. In fact, there is no disclosure in the cited prior art that the noise generated by the drive unit is even related to the clearance between the first and second spline sections. Therefore, the claimed invention produces a result that is not expected in the prior art.

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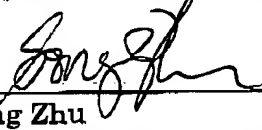
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In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #313KA/50252).

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Respectfully submitted,



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VERSION WITH MARKINGS SHOWING CHANGES MADE**IN THE CLAIMS:**

Claim 7 has been amended as follows:

7. (Amended) The drive unit for wheel of one of Claims 2 to [6] 4, wherein at least one of the transmission shaft and the second constant velocity joint including the housing section has an outer peripheral surface formed with an engagement portion, so that when the second constant velocity joint is spline-connected to a rolling bearing unit for supporting a wheel, at least one of the transmission shaft and the second constant velocity is engaged with a robot arm to prevent the robot arm from being axially displaced with reference to the at least one of the transmission shaft and the second constant velocity joint.

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